

REMARKS

Claims 2, 3, 11 and 34 have been cancelled without prejudice or disclaimer.

Claim 1 has been amended to clarify the present invention. Support for the claim amendments can be found at FIGS. 2 and 3A; and pages 3-4, and page 7, line 19 – page 8, line 15 of the specification, for example.

New claim 35 has been added and is somewhat similar to amended claim 1.

Claims 4-10 and 12-34 have been withdrawn from consideration.

Claims 1, 4-10 and 12-33 and 35 are currently pending. Reconsideration is respectfully requested.

I. § 112 REJECTIONS OF CLAIMS 1-3 AND 11:

Claim 1 has been amended to overcome the 112 rejections. Reconsideration is respectfully requested.

II. REJECTION OF CLAIMS 1-3 AND 11 UNDER 35 U.S.C. 102(e) AS BEING UNPATENTABLE OVER CARLTON-FOSS (U.S. PATENT NO. 6,647,373):

Claim 1 has been amended to recite “an apparatus, comprising: a sales information registering unit to register sales conditions from a seller, said sales conditions including a specification of goods or services which the seller wants to sell and price information at which the seller wants to sell the goods or services; a sales information search unit to receive offer conditions from a purchaser, said offer conditions including a specification of goods or services which the purchaser wants to purchase and price information at which the purchaser wants to purchase the goods or services, to determine the sales conditions of which specification of goods or services and price information match with the specification of goods or services and price information of the offer conditions, **said sales conditions having been registered in the sales information registering unit before the offer conditions are received**, and to output a search result indicative of the determined sales conditions to a purchasing terminal of the purchaser; and an offer information registering unit to register the offer conditions when the search result indicates that the specification of goods or services and price information of all the sales conditions registered in the sales information registering unit do not match with the specification of goods or services and price information of the offer conditions”.

Carlton-Foss fails to disclose “**said sales conditions having been registered in the sales information registering unit before the offer conditions are received,**” as also recited in amended claim 1.

In contrast, Carlton-Foss discloses a reverse auction system having a plurality of user interface devices, a network, an auction processor and a database system. The user interface devices are for bidders and requestors to make bids and requests (column 5, lines 31-65). The database system includes a bid database, a request database, and a user database with a registration database. Once requestors have loaded the request database with information about their request, they can indicate that a request summary is ready for display to all potential bidders or to a specified list of bidders (see FIG. 15, for example). The bidders are able to view their requests and submit proposals or other responses. Requestors are able to view the bids on their requests in order to monitor the progress of the auction and to select zero or more winning proposals (see column 6, lines 10-15). In Carlton-Foss, bidding is performed in response to a request being posted. Carlton-Foss teaches away from the present invention. In Carlton-Foss, a requestor (i.e., purchaser) views multiple bids and determines which bid is acceptable based upon evaluation dimensions identified by the requestor (see column 6, lines 56-62). In Carlton-Foss, the request is not registered when a match does not exist between the request and a bid and/or the requestor submits a notice to cancel the request after viewing the bids. **Instead, in Carlton-Foss, the request is stored and posted in advance and bidders are then given an opportunity to bid on the request.** Thus, the teaching of Carlton-Foss is fundamentally different from that of the present invention. That is, Carlton-Foss fails to disclose “sales conditions having been registered ... **before** the offer conditions are received” as recited in claim 1, for example.

IV. CONCLUSION:

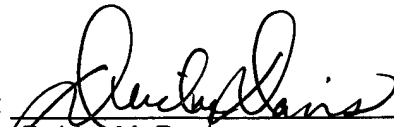
In view of the foregoing amendments and remarks, it is respectfully submitted that each of the claims patentably distinguishes over the prior art, and therefore, defines allowable subject matter. A prompt and favorable reconsideration of the rejection along with an indication of allowability of all pending claims are therefore respectfully requested.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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